THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22293 of 1998

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records pertaiing to the award passed by the Labour Court in I.D.No.101 of 1995 dated 9.1.1998.

The petitioner is management and first respondent is workman. It appears, first respondent was appointed as Driver in petitioner-Corporation in the year 1991. On 9.2.2003 while he was driving the Bus No.AP 9Z 3324 on route Bodhan - Hyderabad, the Bus met with an accident at about 17.30 hours near Nagireddypet village. The Bus hit a cyclist who was coming from opposite direction. Cyclist received bleeding injuries and his collar-bone was fractured. On the above charge, after conducting a detailed enquiry, the first respndent-workman was dismissed from service. Aggrieved by the same, he raised a dispute under Section 2-A(2) of the Industrial Disputes Act, 1947 before the Labour Court. The petitioner-management filed a detailed counter. The Labour Court on the basis of pleadings and material made available on record, came to the conclusion that the petitioner was acquitted in the criminal case and absolutely there is no evidence to come to a conclusion that the first respondent was responsible for the accident. In fact, in the domestic enquiry it was found that there was no specific material to show that the first respondent was guilty of rash and negligent driving of the vehicle at the relevant point of time and the management failed to prove that the workman is guilty of the charge, as such, the Labour Court directed for reinstatement of the workman into service with 50% back wages from the date of filing of petition till the date of award. However, it was made clear that the workman is not entitled for back wages upto 9.10.1995 i.e. till the date of filing I.D. since the I.D. was filed with some delay.

Heard both sides and perused the impugned award and other material made available on record.

At the out set, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The Labour Court has furnished cogent reasons in coming to the conclusion that the removal order passed by the Management is not justified and not supported by any evidence on record. Apart from that,

I am of the view that the punishment of removal from service in a case of this nature was unwarranted. Therefore, it cannot be said that the Labour Court has committed any error requiring interference of this Court. The writ petition is devoid of any merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 6.6.2007

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6.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.22293 of 1998

Date: 6th June, 2007

Between:

The Depot Manager,

APSRTC, Bodhan Depot,
Nizamabad district.

.. Petitioner

And

Ch.V.Rao & another.

.. Respondents